

Minutes

Board of County Commissioners Hyde County

May 18, 2009

Chairman Tom Davis called the Regular meeting of the Hyde County Board of Commissioners to order at 7:00 PM on Monday, May 18, 2009 in the Ocracoke School Commons Area and the Hyde County Government Center, Multi-Use Room using electronic conferencing equipment. The following members were present on the mainland: Vice-chairman Barry Swindell; County Attorney Sid Hassell; Clerk to the Board Lois Stotesberry; and members of the public. The following members were present on Ocracoke: Chairman Tom Davis; Commissioners Gene Ballance, Anson Byrd, and Sharon Spencer; County Manager Carl Classen; Deputy Clerk Jamie Tunnell; and members of the public.

Following the pledge of allegiance and opening prayer by Commissioner Ballance the meeting was called to order.

Agenda:

Chairman Davis asked for any changes to the May 18, 2009 meeting Agenda as presented by the Clerk. Commissioner Byrd moved to delay discussion of Item III.A. – An Ordinance Adopting “Code of Hyde County, North Carolina” and addition of Item III.B. – “Resolution of the Hyde County Board of Commissioners Supporting an Alternative Method of Recognition for Veterans Status to Merchant Marine Seamen of WWII”. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Consideration of Minutes:

Chairman Davis asked for approval of meeting minutes.

Commissioner Swindell moved to delay discussion and resubmit the May 4, 2009 meeting minutes. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Public Comments:

Chairman Davis called for comments from the public.

Martin Hichens, Ocracoke, reported that horse droppings along the village roadsides are a problem for residents and visitors.

Ann Warner, Ocracoke resident and business dumpster owner, presented two possible options for solid waste disposal on the Island: 1) \$2,000 annual dumpster fee with no tipping fee, and 2) \$250/month residence fee.

George Chamberlin, Ocracoke, stated that the Ocracoke Civic & Business Association supports his Ocracoke Sales and Use Tax Proposal, which is based upon a “user fee” for those that produce the trash.

Franklin Swindell, Engelhard, wants 3 to 6 months time to study the Hyde County Code of Ordinances before approval; and stated the Engelhard Airport is not needed.

John Fletcher, Ocracoke, recommended the Board put money in the general fund to cover money not collected for “Pay-As-You-Throw.”

Linda Scarborough, Ocracoke stated “Pay-As-You-Throw” pays for itself.

There being no further public comment, Chairman Davis continued the meeting.

Public Hearing – Community Development Block Grant – Small Business Entrepreneurial Assistance Grant:

Commissioner Swindell moved to open a Public Hearing to receive public comments on the CDBG-SBEA Grant funding application process. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

County Planner Alice Keeney reported that in FY2007-08, Hyde County received a Community Development Block Grant – Small Business Entrepreneurial Assistance Grant (CDBG-SBEA) which provided funding to three Hyde County businesses allowing them to grow and employ more workers. Funds were appropriated toward the development of a hardware store in Swan Quarter, an agricultural entrepreneur in Engelhard, and a home care (hospice) service in Engelhard.

On May 4, 2009, the Hyde County Commissioners authorized the County Manager to execute such documents and take such actions as necessary for Hyde County to apply for a 2009 Community Development Block Grant – Small Business Entrepreneurial Assistance Grant (CDBG-SBEA). The maximum grant (aggregate assistance to all businesses assisted) is \$250,000 with a minimum grant amount of \$150,000. County staff has attended necessary State training and has the capacity to complete the application and administer the grant in-house. One key requirement of the grant is the public solicitation of business growth proposals, including two public hearings following public notification and mandatory advertising.

Two public hearings are required to be held by the unit of local government during the application process. Both hearings must be advertised in a newspaper having general circulation in the area. The timing of the hearing notices must follow CDBG regulatory requirements, including publication not less than 10 days or more than 25 days before the date of the hearing.

The first public hearing must be held at the beginning of the application process and was published on Thursday, May 7, 2009 in the Washington Daily News.

Given the fact that Hyde County is both a Tier One County and 21st Century Community, there will be no local cash match required for a CDBG-SBEA grant.

Franklin Swindell, Engelhard, asked who the three businesses were that received the FY2007-08 Grant funds. Ms. Keeney responded: Chris Williams Hardware Store in Swan Quarter; Alligator River Farms in Engelhard; Hospice in Engelhard.

County Planner Alice Keeney reported that the North Carolina Department of Commerce (DCA) Division of Community Assistance decides how much money each applicant receives based on recommendations from the County.

Hearing no further comments from the public, Commissioner Ballance moved to close the first of two required Public Hearings. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

No action was taken.

Public Hearing – ‘An Ordinance Adopting “Code of Hyde County, North Carolina”’

Commissioner Byrd moved to open a Public Hearing to receive public comments on ‘An Ordinance Adopting “Code of Hyde County, North Carolina.”’ Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

County Manager Carl Classen reported that per action at the May 4 County Commissioners meeting, a public hearing has been advertised and scheduled on ‘An Ordinance Adopting “Code of Hyde County, North Carolina.”’ Mr. Classen explained that this Ordinance does not change the policy of any existing ordinances; rather, a codification brings together in one document the

existing ordinances of the County thus making it easier for the public, law enforcement, the courts, County staff, and others to know the contents of the various County laws.

Although a public hearing on a codification ordinance is not required by State law, the County Manager recommended one be held as State law does require a properly advertised public hearing to be held when a land use ordinance (subdivision or zoning) is amended. Since the codification re-formats the existing Subdivision Ordinance and Ocracoke Development Ordinance – but without changing the substance of either ordinance – a public hearing is being held in an effort to make sure the County abides by State law.

John Fletcher, Ocracoke, stated that obsolete ordinances should be cut out prior to adopting the Code of Hyde County.

Franklin Swindell, Engelhard, stated that the Code of Hyde County proofs are not understandable to the public, and asked for three months time to review the proofs prior to approval.

County Attorney Sid Hassell explained the reason and process for deletions. Mr. Hassell referred anyone who is concerned about deletions from the original codes to page 268, Disposition Table.

Hearing no further comments from the public, Commissioner Byrd moved to close Public Hearing. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Ordinances and Resolutions:

Resolution Supporting An Alternative method of Recognition for Veterans Status to Merchant Maine Seamen of WWII

After discussion, Commissioner Spencer moved to approve “A Resolution Of The Hyde County Board of Commissioners Supporting An Alternative Method Of Recognition For Veterans Status To Merchant Marine Seamen Of WWII” and to send to Senator Kay Hagan, Senator Richard Burr, Congressman Walter B. Jones, and Congressman G. K. Butterfield. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell and Chairman Davis; Nays – None; Absent or Not Voting – None.

CLERK’S NOTE: A copy of “A Resolution Of The Hyde County Board of Commissioners Supporting An Alternative Method Of Recognition For Veterans Status To Merchant Marine Seamen Of WWII” and Proposal is attached herewith as Exhibit A and incorporated herein by reference.

Jury Commission Appointment – Doris Weston

G.S. 9-1 requires the Board of County Commissioners to appoint one member to the three-member Jury Commission Board. The appointee must be a registered voter and reside in this county. The term of service is for a two-year period. Clerk of Superior Court, Sharon G. Sadler says that Mrs. Doris Weston has served as a jury commission member for a number of years and has indicated her willingness to continue service as Jury Commissioner.

Commissioner Spencer moved to re-appoint Doris Weston to the Hyde County Jury Commission for the July 1, 2009 through June 30, 2011 term. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell and Chairman Davis; Nays – None; Absent or Not Voting – None.

Northeastern Workforce Development Board Appointment – David Mason & Steve Bryan

The Northeastern Workforce Development Board (NWDB) has sent a letter noting that David Mason and Steve Bryan’s term on the NWDB expires on June 30, 2009. NWDB recommended reappointment of Mr. Mason and Mr. Bryan for a 2-year term expiring on June 30, 2011.

Commissioner Swindell moved to re-appoint David Mason and Steve Bryan to the Northeastern Workforce Development Board for the July 1, 2009 through June 30, 2011 term. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell and Chairman Davis; Nays – None; Absent or Not Voting – None.

Other Matters:

Budget Revisions and Transfers

County Manager Carl Classen reported to the Board that in accordance with the FY2007-08 Budget Ordinance several budget transfers were made administratively and he requested approval of the following:

A. Budget Amendment – Sheriff's Department – Anticipated Expenses

Sheriff David Mason has requested transfer of \$17,262 increasing the budget in the amount of the insurance check not budgeted for. Money will be used to purchase replacement equipment for the damaged vehicle and bumper guards for all Sheriff's Department vehicles.

Commissioner Swindell moved to authorize the Sheriff's Department budget transfer of \$17,262. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

FY2009-10 Hyde County Budget

County Manager Carl Classen presented the FY2009-10 Hyde County Budget and reviewed the Budget message, proposed Budget Ordinance, and the proposed Budget Resolution.

After discussion, Commissioner Byrd moved to schedule a Public Hearing on the Budget Ordinance in conjunction with the June 1, 2009 Regular Meeting of the Board of Commissioners to receive public comments on the FY2009-10 Hyde County Budget. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Airport Fencing & Wind Cone Project – Contract Award

Engineer Jay Talbert of Talbert & Bright Engineering & Planning Consultants, received two bids on the Hyde County Airport Terminal Area Fencing and Windcone Segmented Circle Rehabilitation Project. Bids were received from Pamlico Fence Company for \$65,787.80 and Seegars Fence Company for \$66,239.85.

Commissioner Byrd moved to award the Hyde County Airport Terminal Area Fencing and Windcone Segmented Circle Rehabilitation Project contract to Pamlico Fence Company or to the next lowest bidder. Pamlico Fence Company is not legally able to perform the work. He further moved to authorize the County Manager to execute all documents in support of this action.

Swan Quarter Watershed Phase XII Project Agreement – Amendment 10

Grant Technician Kris Noble presented an update on Amendment No 1 to Project Agreement 69-4532-2-001, more commonly referred to as the Construction Contract between the Natural Resource Conservation Service (NRCS) and Hyde County to construct the Swan Quarter Watershed Project. Ms. Noble reported that each time additional funds are appropriated by the NRCS for construction of an additional phase of the Swan Quarter Watershed Project this original Project Agreement must be amended to reflect those changes. Amendment No. 10 reflects the additional funds being appropriated by NRCS to complete Phase XII. Ms. Noble advised that another amendment to this Project Agreement is expected and will be presented in the near future to reflect American Reinvestment and Recovery Act Funds currently set aside for construction of Phase XIII.

Hyde County and NRCS also have a Project Agreement to cover county expenses related to the project including administration and inspection. An amendment is expected in the near future to appropriate additional funds to this contract in order to carry out these services until the end of the project.

After reviewing Amendment No. 10 to Project Agreement 69-4532-2-001, Chairman Davis moved to adopt Project Agreement Amendment No. 10. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

CLERK'S NOTE: A copy of "Project Agreement Amendment No. 10" is attached herewith as Exhibit B and incorporated herein by reference.

County Commissioners Reports:

Commissioner Ballance reported on a conversation with Ocracoke Convenience Site worker Nathan Spencer that two additional part-time employees are needed to work the proposed new Ocracoke Convenience Site schedule. Mr. Ballance recommends contracting with current Dare County employees.

Commissioner Byrd attended a Wetland Mitigation discussion in Senator Marc Basnight's office about PCS Phosphate's recent purchase of land in Hyde County for mitigation purposes.

Commissioner Spencer spoke with Beaufort County Board of Commissioners Chairman McCoy to discuss the recent purchase by PCS Phosphate of land in Hyde County. Ms. Spencer stated that she will base her solid waste decisions on what is best for Hyde County; and reported the National Day of Prayer ceremony on May 7, 2009 was a success.

Commissioner Swindell reported that he has spearheaded a petition for high speed internet service with Embarq; that he plans to present another solid waste fee schedule suitable for the entire County; and stated the bi-monthly Central Communications Advisory Group meeting is scheduled for Tuesday, May 26, 2009.

No other Board or Committee reports were offered so Chairman Davis continued with the Agenda.

County Manager's Report:

Project Reports

County Manager Carl Classen reported completion of Mattamuskeet EMS Station is scheduled for completion the week of June 22; the County Building on Ocracoke Re-siding Project is 75% complete, and thanked on-site inspector Tom Pahl for his work on the project; Ocracoke Boat Ramp Project meeting is scheduled for mid June; Roberson's Heating & Air Co. will install the upgrade HVAC unit at the Public Safety Center on Wednesday and mold remediation will follow.

Mr. Classen thanked County Attorney Sid Hassell for work done on the USDA-REDLG grant to ECSP, LLC, which he closed today, May 18.

Mr. Classen and Grant Technician Kris Noble met with Senator Basnight's staff, who recommended re-submitting sewer applications, including Mattamuskeet School, for Stimulus grant loan funds.

After a conference call between County Attorney Sid Hassell, Utilities Director Clint Berry, Solid Waste Superintendent James Blount, and himself, Mr. Classen reported enforcement of warnings, fines, and civil penalties when appropriate will begin immediately.

Mr. Classen reported that Register of Deeds Lora Mooney Byrd is retiring, effective June 1, 2009. A ceremony in her honor is scheduled for Friday, May 29, 2009.

Chairman Tom Davis reported the Board is working on the solid waste issue.

In response to questions from Commissioner Anson Byrd, Mr. Classen reported that County employee's insurance benefits will be provided by CIGNA Network through the NCACC; and that Cindy Carawan has been selected to manage Veteran Services.

Commissioner Sharon Spencer asked for a Resolution thanking the City of Williamston for allowing the Hyde County Sheriff's Department to use its Mobile Command Center.

County Manager Carl Classen encouraged citizens to contact State representatives to request that ferry schedules be resumed during the summer season.

There being no further matters to come before the Commissioners, Mr. Swindell moved to adjourn the meeting. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Davis, Spencer, and Swindell; Nays – None; Absent or Not Voting – Ballance.

The meeting adjourned at 9:50 PM.

Respectfully submitted:

Minutes approved on the _____ day of _____, 2009.

Lois Stotesberry, Clerk - Hyde County Board of Commissioners

Tom Davis, Chairman - Hyde County Board of Commissioners

Attachments:

Exhibit A – “A Resolution Of The Hyde County Board of Commissioners Supporting An Alternative Method Of Recognition For Veterans Status To Merchant Marine Seamen Of WWII” and Proposal.

Exhibit B – “Project Agreement Amendment No. 10.”